

Appl. No.: 10/647,062
Amdt. dated August 17, 2006
Reply to Office Action of May 18, 2006

Amendments to the Drawings:

The attached sheet of drawings includes new Figure 22. This new figure graphically illustrates an embodiment of a core area design model referred to as the Visit Frequency Limit Model, as disclosed on pages 40 and 41 of the current specification. Applicants submit that this Figure 22 was fully and completely disclosed in the application as originally filed and, as such, is not necessary for the understanding of the invention and constitutes no new matter.

Remarks/Arguments

Introduction

Applicants thank the Examiner for the thorough and thoughtful review of the subject application in the Office action dated May 18, 2006. Applicant submits the following amendments and remarks to address the issues raised by the Examiner.

Oath/Declaration

The Oath or Declaration was objected to in the Office Action due to the lack of a notary's signature, or the notary's signature was in the wrong place. A properly executed declaration in lieu of an oath under 37 CFR § 1.68 was filed by Applicant on December 18, 2003. Applicants respectfully submit that 37 CFR § 1.68 does not require a witness or notary's signature on such a declaration.

Drawings

The drawings were objected to in the Office Action under 37 CFR § 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, it is provided in the Office Action that claim 1 is objected to for the use of the phrases "an average cell visit frequency" and "a minimum average cell" and claim 31 is objected to for the use of the phrases "an average grid segment visit frequency" and "a minimum average grid segment." While it is the Applicants' belief that the amendments to the claims and drawings offered above overcome the Examiner's objection, Applicants also respectfully submit that Figures 1 and 2 illustrate "cells" and "stops" within cells, and from the specification it is clear that a "visit" is analogous to a "stop." Further, Applicants respectfully submit that "grid segments" are illustrated in Figure 4A as element 152 and sufficiently described in the specification. Applicants bring to the Examiner's attention that the terms "average", "frequency", and "minimum" as used in the claims are well-known mathematical functions that are not necessary for the understanding of the invention to be shown in a drawing.

Claim Rejections

Claims 1 – 8, 31, and 32 were rejected in the Office Action under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. By present amendment, Claims 1 and Claims 31 have been amended to overcome the rejection under 35 U.S.C. § 112 first paragraph. The remaining claims have not been amended because Applicant believes that the remaining claims as recited are enabled by the specification for reasons explained below.

With respect to the Claim 4, line 3, the Office Action provides that it is unclear under what condition or requirement that unassigned cells can be classified as a flex zone cell and questions what exactly is a “flex zone cell”. Page 46, line 8 of the current specification defines a flex zone cell as a cell contained within a “flex zone”. This relationship is further illustrated in Figure 8, with the flex zone cells identified by reference number 50 and the flex zone which contains the flex zone cells identified by reference number 200. A flex zone is defined by the current specification at page 46, line 2 as a flexible service area generally located around the depot or hub. It is suggested by example at page 46, line 14 that one condition for constructing a flex zone, and by extension classifying the cells within the zone as flex zone cells, is a time limit, i.e. by including all customers who can be accessed within a certain number of minutes. The specification goes on to state at page 46, line 18 that any of a variety of limits or constraints may be used to define a flex zone, including terrain, travel time, proximity, access, travel barriers, natural barriers, or other local factors. As disclosed at page 46, line 9 of the specification, the establishment of the flex zone contributes to the optimization of a route plan by removing the contained flex zone cells from the calculation process of core cell identification, thus simplifying and speeding the process.

With respect to claim 6, line 2, the Office Action provides that is unclear how exactly the unassigned cells can be classified as a daily cell. Applicants respectfully submit that Figures 7, 8, and 9 each illustrate a daily cell. Line 15 at page 35 provides that a daily cell is analogous to an unassigned cell, and the specification at pages 37 and 38 describes the process whereby unassigned cells are those assigned to a “dummy” core area and the learning curve factor is

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greater for those unassigned cells (i.e., cells assigned on a daily basis) than those cells that are assigned to a core area on an ongoing basis. Therefore, Applicants respectfully submit that the process of classifying unassigned cells as daily cells is fully disclosed, described and enabled in the figures and specification.

Applicants respectfully submit that the amendments and arguments made herein traverse the objections and rejections found in the Office Action for each independent claim and their associated dependent claims. For this reason, Applicants submit that the claims of the present application are each in a form for allowance.

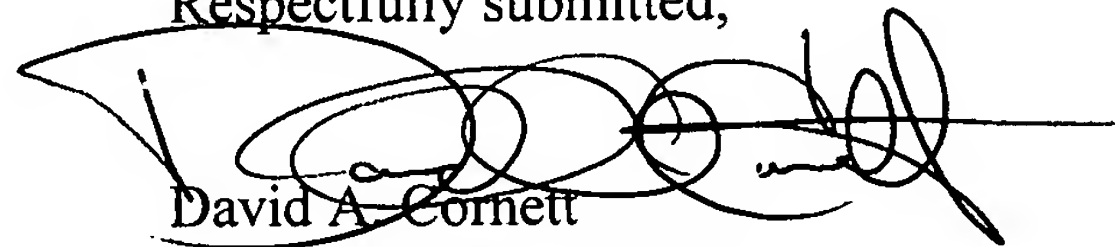
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Conclusion


Subsequent to this paper, claim 1, 2, 4-8, and 31-32 remain pending in this application. The Applicants have amended the specification to remove extraneous references to elements not shown in the figures, and have added Figure 22, which Applicants submit does not add any new matter to the specification. Applicants submit that the remaining claims, as amended, are each in a form for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



David A. Cornett
Registration No. 48,417

<p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777</p>	<p>"Express Mail" mailing label number EV 813814703 US Date of Deposit August 17, 2006</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p>  <p>Shana Moore</p>
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